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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/803,636
Filing Date: March 18, 2004
Appellant(s): SUSSMEIER ET AL.

Christopher H. Kirkman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 September 2007 appealing from the Office action mailed 01 May 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,443,447	IFKOVITS et al.	09-2002
5,439,208	MOSER et al.	08-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 4-9, 11, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ifkovits et al. (6,443,447) in view of Moser et al. (5,439,208).

In regards to claim 1, Ifkovits et al. disclose the invention including a web feeder providing a web (Fig. 1), the web feeder feeds the web a first direction (102), a web slitting device (14) splitting the web along the first direction into at least two portions (44 and 42), a transverse web cutter cutting the portions of slit web transverse to the first direction while the web is transported through the rotary web cutter to form side-by-side individual sheets (44 and 42), a right angle turn mechanism downstream of the web cutter whereby the individual sheets are rearranged to be one on top of the other in a shingled arrangement (50 and Fig. 3e), the right angle turn mechanism comprising a portion of a right angle turn transport transporting individual sheets at a first velocity (120), and the first velocity capable of being a function of the cutting rate multiplied by the width of the individual sheets (120).

In regards to claim 4, Ifkovits et al. disclose the right angle turn mechanism comprises parallel forty five degree turning bars further comprising a first turning bar forming an inner paper path having a first turning path length (52) and a second turning bar forming an outer paper path having second turning path length (54), and the second turning path length being longer than the first turning path length (Fig. 2).

In regards to claim 5, Ifkovits et al. disclose the first and second turning bars are spaced apart as a function of a sheet length of the sheets such that the shingling

arrangement comprises the sheets transported on the inner paper path being positioned at the bottom of the shingling arrangement and sheets transported on the outer paper path being positioned on the top of the shingling arrangement (Fig. 3d).

In regards to claims 6 and 7, Ifkovits et al. disclose the right angle turn transport is capable of controlling to decelerate to a stop and hold sheets upon an occurrence of a downstream stopping condition (Fig. 2) and the web cutter is a rotary cutter (16)

However, with regards to claims 1 and 2, Ifkovits et al. fail to disclose a high speed separation transport downstream of the right angle turn transport and pulling individual shingled sheets out from the shingled arrangement and whereby sheets are thereafter transported serially and separated by predetermined gaps and the high speed separation transport has a velocity that is the function of the cutting rate multiplied by a sum of the length of the individual sheets and the gap.

Moser et al. teaches a high speed separation transport downstream of the right angle turn (22) and pulling individual shingled sheets out from the shingled arrangement and whereby sheets are thereafter transported serially and separated by predetermined gaps and the high speed separation transport has a velocity capable of being the function of the cutting rate multiplied by a sum of the length of the individual sheets and the gap (Column 5 lines 39-50). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ifkovits et al. with a high speed separation transport, as taught by Moser et al., to separate the sheets for further processing.

The method of claims 8, 9, 11, and 12 can be incorporated into the rejection above.

(10) Response to Argument

With regards to Ifkovits et al. not disclosing velocity being a function of the cutting rate multiplied by the width of the individual sheets, this is not the case. The claims disclose the phrase "the first velocity being a function of the cutting rate multiplied by the width of the individual sheets" however the claim does not provide any specific numbers for this equation. Meaning, dependant on what the width is, the first velocity could be any of a numerous amount of velocities. Also this first velocity equation can have multiples or constants incorporated into the equation and that still satisfy the claimed limitation. For example, the cutting rate multiplied by the width as a whole can be multiplied by a factor of 2 and the velocity is still considered a function of the cutting rate multiplied by the width. Meaning the equation limitation disclosed has many different outcomes that still allow the velocity or velocities to be functions of the cutting rate multiplied by the width. In this case, Ifkovits et al. discloses two speeds (112, 114) that are different but are both a function of the cutting rate multiplied by the width because these variables are known. Meaning, Ifkovits et al has a cutting rate that produces 2 sheets of a specific width at a time, in order to prevent the current 2 sheets from interfering with the next 2 sheets the width and cutting rate must be incorporated into the determination of the velocity at which the 2 current sheets are transported away so a "jam" is prevented. For example, lets say, in Ifkovits et al., that that velocity 112 is represented by the formula $f(\Delta C,W)= \Delta C \times W$. And since 114 is faster, 114 is

represented by f(ΔC,W)= 2(ΔC x W). Both of these velocities are a function of the width multiplied by the cutting rate even though the velocities are different. In Ifkovits et al, the first velocity, the width, and the cutting rate are all known variables, therefore, if the cutting rate multiplied by the width does not equal the first velocity there is a quantity or constant that can be incorporated into and equalize the equation thereby still satisfying the limitation of the velocity being a function of the cutting rate multiplied by the width. The claimed equation requires 3 variables (the first velocity, the width, and the cutting rate) and the individual sheets of Ifkovits et al. have all 3 known variables and therefore inherently have an equation that connect all three variables for each individual sheet with or without the addition of experimental contanstants.

Also, with regards to Ifkovits et al., on lines 25-30 of column 4, the phrase "Thus, even with square sheets or sheets with L smaller than W, the right angle transport device 40 (Fig. 2) can still be used for sheet collation. It is understood that the overlapped amount S' can be adjusted by adjusting the difference between the second speed 114 and the first speed 112" discloses it is old and well known that different sized sheets can be produced and the speeds are adjustable. In this case, the speeds can be adjusted to fit the claimed equation or the size of the sheet can be changed to fit the claimed equation. Ifkovits clearly discloses a known first velocity, a known cutting rate, and a known width that are working in harmony so there is inherently a equation linking all the know variables and satisfying the claimed limitation.

The velocity being a function of the cutting rate multiplied by the width is an old and well known in the art of mass production to determine the most that can be produced that will not "jam" the machine in the process.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jason Prone

30 October 2007

Jason Prone

Conferees:

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